

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-02-98-GF-BMM-01

Plaintiff,

vs.

MICHAEL HOFLAND,

Defendant.

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 5, 2016. (Doc. 86.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 30, 2016. Hofland admitted that he violated conditions of his supervised release. The violations prove serious and warrant revocation of Hofland's supervised release. Judge Johnston has recommended that the Court revoke Hofland's supervised release and impose a

sentence of two months of imprisonment and 28 months of supervised release to follow. Judge Johnston further has recommended that the Court impose a special condition of release that requires Hofland to live in a residential re-entry center for a period of 6 months. The condition requires Hofland to abide by all rules and regulations of the center and successfully complete any programming as deemed appropriate by the United States Probation Office. Judge Johnston also has recommended that Hofland be housed at the Crossroads Correction Facility in Shelby, Montana.

Hofland's criminal history results in a criminal history category of III. Hofland's current violation qualifies as a Grade C violation and his underlying offense qualifies as a Class A felony. The Court could impose a sentence of up to 53 months and 29 days of imprisonment. The Court could impose a supervised release period to follow custody of 36 months, less any custody time imposed. The United States Sentencing Guideline calls for five to 11 months of custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Hofland's violations of his conditions represent a serious breach of the Court's trust. A sentence of two months followed by 28 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 86) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Michael Hofland shall be sentenced to two (2) months imprisonment followed by twenty-eight (28) months of supervised release. The Court recommends that Defendant Hofland be housed at the Crossroads Correctional Facility in Shelby, Montana.

IT IS FURTHER ORDERED that the following condition of supervised release shall be imposed:

The defendant shall reside in a Residential Re-entry Center under contract with the Bureau of Prisons, in the pre-release component, for a period of 6 months. The defendant shall abide by all rules and regulations of the center and successfully complete any programming as deemed appropriate by the United States Probation Office.

DATED this 20th day of April, 2016.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" on the bottom, both starting with a capital letter.

Brian Morris
United States District Court Judge